

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

JAN 11 2011

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

VS.

ROCHE CARDWELL  
DERREK CARDWELL

§  
§  
§  
§  
§  
§

CRIMINAL NO.

**H 11**

**015**

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

**[21 U.S.C. 846 - Conspiracy to Possess With Intent  
to Distribute a Controlled Substance]**

From on or about December 1, 2009, and continuing until on or about December 13, 2010, in the Southern District of Texas and elsewhere, and within the jurisdiction of this Court, the defendants,

**ROCHE CARDWELL,  
DERREK CARDWELL**

did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree with others known and unknown to the Grand Jury, to commit an offense defined in Title 21, United States Code, § 841, namely, to possess with intent to distribute a controlled substance. The overall scope of the conspiracy involved one hundred (100) or more marijuana plants, a Schedule I controlled substance.

[All in violation of Title 21, United States Code, §§§ 841(a)(1), 841(b)(1)(B)(vii) and 846.].

**COUNT TWO**  
**[21 U.S.C. 841-Possession With Intent to Distribute]**

On or about December 1, 2009 and continuing until on or about December 13, 2010, in the Southern District of Texas, and within the jurisdiction of this court,

**ROCHE CARDWELL,  
DERREK CARDWELL,**

the defendants herein, did knowingly, intentionally, and unlawfully aid, abet and assist each other to possess with intent to distribute a controlled substance. This violation involved one hundred (100) or more marijuana plants a Schedule I Controlled Substance.

In violation of Title 21, United States Code, §§ 841(a)(1), and 841(b)(1)(B) and Title 18 United States Code, §2.

**COUNT THREE**  
**[Maintaining a Place of Manufacturing]**

From on or about December 1, 2009, and continuing until on or about December 13, 2010, in the Southern District of Texas, and within the jurisdiction of this court,

**ROCHE CARDWELL**

defendant herein, did knowingly maintain a place, that is a residence located at 3007 Bonner Street, LaPorte, Texas for the purpose of manufacturing, distributing and using a controlled substance. This violation involved one hundred (100) or more marijuana plants a Schedule I controlled substance.

In violation of Title 21, United States Code, § 856(a)(1).

**COUNT FOUR**  
**[Maintaining a Place of Manufacturing]**

From on or about December 1, 2009, and continuing until on or about December 13, 2010, in the Southern District of Texas, and within the jurisdiction of this court,

**ROCHE CARDWELL**  
**DERREK CARDWELL,**

the defendants herein, did knowingly aid, abet and assist each other in maintaining a building located at 1035 Hollywood Street, Houston, Texas for the purpose of manufacturing, distributing and using a controlled substance. This violation involved one hundred (100) or more marijuana plants a Schedule I controlled substance.

In violation of Title 21, United States Code, § 856(a)(1).

**NOTICE OF CRIMINAL FORFEITURE**  
**21 U.S.C. § 853(a)**

A. Under 21 U.S.C. § 853(a), as a result a violation of 21 U.S.C. § 846, as charged in Count One, the defendants,

**ROCHE CARDWELL**  
**DERREK CARDWELL**

shall jointly and severally forfeit to the United States of America any property constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including, but not limited to, \$20,000.00.

B. Under 21 U.S.C. § 853(a), as a result a violation of 21 U.S.C. § 841, as charged in Count Two, the defendants,

**ROCHE CARDWELL**  
**DERREK CARDWELL**

shall jointly and severally forfeit to the United States of America any property constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including, but not limited to, \$20,000.00.

C. Under 21 U.S.C. § 853(a), as a result a violation of 21 U.S.C. § 856(a)(1), as charged in Count Three, the defendant,

**ROCHE CARDWELL**

shall forfeit to the United States of America any property constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including, but not limited to, \$20,000.00.

D. Under 21 U.S.C. § 853(a), as a result a violation of 21 U.S.C. § 856(a)(1), as charged in Count Four, the defendants,

**ROCHE CARDWELL  
DERREK CARDWELL**

shall jointly and severally forfeit to the United States of America any property constituting or derived from any proceeds obtained, directly or indirectly, as a result of such violations, and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including, but not limited to, \$20,000.00.

E. In the event any property subject to forfeiture to the United States, as a result of any act or omission by any Defendant:

- (1) cannot be located upon the exercise of due diligence;

- (2) has been placed beyond the jurisdiction of the Court;
- (3) has been transferred, sold to, or deposited with a third party;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America to seek forfeiture of any other property of the Defendants up to the value of such property, under 21 U.S.C. § 853(p).

  
A TRUE BILL

ORIGINAL SIGNATURE ON FILE

  
FOREPERSON OF THE GRAND JURY

JOSE ANGEL MORENO  
United States Attorney

By:

  
ERIC D. SMITH  
Assistant United States Attorney